

SENATE BILL REPORT

SB 6419

As Reported By Senate Committee On:
Natural Resources, Ocean & Recreation, February 04, 2008

Title: An act relating to purchasing fishing vessels and licenses.

Brief Description: Concerning fisheries buy-back programs.

Sponsors: Senators Hatfield, Roach, Jacobsen, Hargrove, Morton, Swecker and Rasmussen.

Brief History:

Committee Activity: Natural Resources, Ocean & Recreation: 1/31/08, 2/4/08 [DP].

SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

Majority Report: Do pass.

Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton, Ranking Minority Member; Fraser, Hargrove, Rockefeller, Spanel, Stevens and Swecker.

Staff: Curt Gavigan (786-7437)

Background: The Department of Fish and Wildlife (DFW) currently has specific authority to administrate commercial fishery license and vessel buyback programs (buyback programs). DFW may purchase items including current commercial licenses, commercial fishing vessels, and appurtenant gear. The Legislature has set guidelines for DFW's exercise of this buyback authority, including the requirement that any licenses purchased must be permanently retired.

DFW may only implement its existing commercial fishery buyback authority if the license holder has been substantially restricted in fishing as a result of a 1974 judicial decision commonly known as the Boldt decision. In that decision the court ruled, and appellate courts and related cases have upheld the doctrine, that treaties reserve the right of Washington treaty tribes to half the harvestable fish passing through their usual and accustomed fishing areas.

Since the 1970s, DFW has administered a series of commercial salmon fishery buyback programs.

A 1994 federal court decision, known as the Rafeedie decision, held that Washington's treaty tribes' right to harvest fish includes the right to harvest shellfish.

In 2007 the Legislature directed DFW to develop a proposed fishery buyback program for the coastal crab commercial fleet. The proposed program was to explore funding alternatives that involve federal funding, state funding, industry funding, and combinations of these sources.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The proposed program also was to include elements necessary for the administration of the program.

Summary of Bill: DFW's authority to administrate buyback programs is expanded to include commercial fishery license holders restricted in fishing as a result of the Rafeedie decision.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: None.

Persons Testifying: No one.